

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, FEBRUARY 7, 2006**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, February 7, 2006 in the City Hall Kiva at 5:03 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Ron McCullagh
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Explorers Ryan Lagana and James Ripley, Post #908

INVOCATION - Pastor Phil Norton, Scottsdale United Methodist Church

PRESENTATIONS/INFORMATION UPDATES - None

PUBLIC COMMENT

Howard Myers, 6631 E Horned Owl Tr, 85262, presented photos of property along Pima Road with various examples of signage and artwork. Mr. Myers questioned why the City was doing nothing to enforce compliance with the City Code. Mayor Manross responded that the issue is being addressed.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

MINUTES

SPECIAL MEETINGS

Tuesday, January 10, 2006
Tuesday, January 24, 2006

REGULAR MEETINGS

Tuesday, January 10, 2006

COUNCILMAN OSTERMAN MOVED FOR APPROVAL OF THE SPECIAL AND REGULAR MINUTES OF JANUARY 10, 2006, AND THE SPECIAL MINUTES OF JANUARY 24, 2006. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1 - 13

ITEM 4 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION.

1. Sauce Pizza & Wine (Restaurant) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license at a new location.

Location: 7135 E. Camelback Road, Suite 160

Reference: 83-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. Resort Suites of Scottsdale (Bar) Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license.

Location: 7677 E. Princess Boulevard

Reference: 85-LL-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Parking Program Text Amendment

Requests:

1. Approve a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article IX, Parking and Loading Requirements; Section 9.103, Parking Requirements; Table 9.2, Schedule of Parking Requirements; and Section 9.108, Special parking requirements in districts; Subsection C.2, Downtown Overlay district (parking in-lieu only) and Downtown districts, Parking in-lieu payments.
2. Adopt Ordinance No. 3662 affirming the Text Amendment.
3. Reaffirm the fee set for purchasing in-lieu parking spaces.

Location: Citywide

Reference: 4-TA-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; John Little, Executive Director – the Downtown Group, 480-312-2539, jlittle@scottsdaleaz.gov

4. APS Cricket Hayden Conditional Use Permit

REMOVED FOR SEPARATE ACTION. SEE PAGE 6.

5. Camelot Therapeutic Horsemanship, Inc. Hardship Exemption Waiver

Request: Approve a waiver from the Foothills Overlay standards to cover an existing equestrian arena on a 14.26 +/- acre parcel located at 6250 E. Jomax Road with Single Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL FO) zoning.

Location: 6250 E. Jomax Road

Reference: 7-HE-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff clarified that a conditional use permit applied only to the property, even if ownership changed. The hardship exemption applied only to the Foothills Overlay.

Mayor Manross opened public testimony:

John Milliman, 27011 N 62nd St, 85262, said Camelot has been a class act, and supported the waiver that will allow the applicant to cover the riding arena.

Ray Klein, 10187 E Nolina Tr, 85767, a financial supporter of Camelot, as well as a volunteer, spoke in support of the waiver.

Jeff Labriola, 26770 N 63rd St, 85026, presented photos showing how a cover over the arena will obstruct his view of the mountains, causing a hardship and a decrease in the value of his property.

Ronna and Beth Mesh, 26666 N 62nd St, 85262, spoke in support of the waiver, saying the awning is necessary in order for the children to ride in the summer.

Mayor Manross closed public testimony.

SEE PAGE 7 FOR ADDITIONAL INFORMATION ON ITEM 6.

6. Mayo Clinic Rezoning

Requests:

1. Approve rezoning from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District {C-O ESL (HD)} and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, {C-O SC ESL (HD)} on an approximately 173.5 (+/-) acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O SC ESL) on approximately an 10 (+/-) acre parcel. The entire 183-acre site is located at the northeast corner of 130th Street and E. Shea Boulevard.
2. Adopt Ordinance No. 3664 affirming the rezoning.
3. Adopt Resolution No. 6828 declaring the "Mayo Clinic Scottsdale Development Plan" as a public record.

Location: 13400 E. Shea Boulevard

Reference: 39-ZN-1992#4

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. Professional Services Contract for Relocation Assistance Services

Request: Adopt Resolution No. 6822 authorizing Professional Services Contract No. 2006-006-COS with O.R. Colan Associates, LLC, to provide relocation assistance services to people and businesses displaced by acquisition of real property as prescribed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646.

Related Policies, References: On April 15, 1991, the City Council adopted Resolution No. 3386, which declared the City would provide relocation assistance benefits required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) to all residential and business entities displaced as a result of City of Scottsdale projects.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

8. Engineering Services for Design of Scottsdale Road South Drainage Corridor Improvements

Request: Authorize Engineering Services Contract No. 2006-001-COS with AMEC Infrastructure, Inc., in the amount of \$294,755 for the design of the Scottsdale Road South Drainage Corridor Improvements.

Related Policies, References:

- The adopted FY 2005/2006 CIP includes funding for the planning, design and construction of South Scottsdale Road Drainage Corridor improvements.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. One-year Extension of Two Traffic-Engineering Services Contracts

Request: Adopt Resolution No. 6817 authorizing the fourth annual extension of the following five-year contracts: No. 2001-155-COS with Parsons Brinckerhoff, and No. 2001-156-COS with United Civil Group. These firms provide traffic-engineering services to the City under the Traffic Impact and Mitigation Analysis (TIMA) Program.

Related Policies, References:

- Resolution No. 5953 established the original contracts
- City Procurement Code

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

10. Retiree Medical Leave Conversion Program – Adjustments

Request: Authorize adjustments for 30 retirees to remedy and settle taxation and compensation issues related to the Medical Leave Conversion Program (MLC).

Related Policies, References: City Code Chapter 14-83(g) and (i) – relating to medical leave payoff at retirement; Audit No. 0512 - "Medical Leave Payoff or Conversion Report."

Staff Contact(s): Neal Shearer, Assistant City Manager, 480-312-2604, nshearer@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

11. Capital Transfer Requests for the Witzeman Public Safety Building

Request: Consider the following transfers for the Witzeman Public Safety Building at 8401 E. Indian School Road:

- Authorize the transfer of \$154,000 from Capital Project 402-B0503 (Via Linda Expansion) to Capital Project 402-M0606 (Alternate computing site).
- Authorize the transfer of \$114,000 from Capital Project 402-B0503 (Via Linda Expansion) to Capital Project 402-B0512 (Police/Fire Admin. Building).
- Close Capital Project 402-B0503 (Via Linda Expansion).

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov; Alan G. Rodbell, Police Chief, 480-312-5310, arodbell@scottsdaleaz.gov

12. Ambulance Dispatching Agreements

1. Adopt Resolution No. 6833, authorizing the Mayor to sign an amendment to Agreement No. 2004-138-COS with the City of Phoenix, which allows the City of Scottsdale to enter into an ambulance dispatching agreement.
2. Adopt Resolution No. 6832, authorizing the City Manager to sign Ambulance Dispatch Agreement No. 2006-013-COS, to provide for the dispatch of Scottsdale PMT ambulances by the Phoenix Fire Regional Dispatch System.

Staff Contact(s): William L. McDonald, Fire Chief, 480-312-1880, wmcdonald@scottsdaleaz.gov

Councilman Lane expressed disappointment about the doubling of cost because of the way the City of Phoenix has chosen to deal with the issue.

Mayor Manross opened public testimony.

Darlene Petersen, 7327 E Wilshire Dr, 85257, expressed concern regarding the purchase of two homes in residential neighborhoods to be used as business locations by the ambulance company.

City Manager Dolan assured Council that alternative locations are being sought and City staff would be working closely with PMT on specific time limitations regarding the private ambulance company's use of residential housing as a business location.

Mayor Manross closed public testimony.

13. City Sponsorship of the 2006 Maccabi Games

Request: Adopt Resolution No. 6841 approving City sponsorship of the 2006 JCC Maccabi Games, an Olympic-style sporting competition for Jewish teenagers to be held at various City facilities August 6-11, 2006, and approving waiver of fees totaling \$10,127.

Related Policies, References: City of Scottsdale/Community Services Sponsorship Policy.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 13, WITH THE EXCEPTION OF ITEM 4. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 4 REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION:

4. APS Cricket Hayden Conditional Use Permit

Requests:

1. Approve a conditional use permit for a co-location of a wireless communication facility on an existing tower within the planned McDowell Sonoran Preserve boundary located near 8008 E. Jomax Drive with Single Family Residential District Environmentally Sensitive Lands, Foothills Overlay (R1-190 ESL FO) zoning.
2. Adopt Resolution No. 6829 affirming the conditional use permit.

Location: North of Jomax Drive near the intersection of Jomax and Hayden roads

Reference: 23-UP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff reviewed the case and noted the following:

- The Planning Commission recommended approval 5-2, subject to stipulations.
- The Planning Commission wanted assurance that the applicant gave careful consideration to other locations.
- The Planning Commission suggested that the Wireless Ordinance should be reviewed in order to determine restrictions for existing towers.
- The McDowell Sonoran Preserve Commission opposes any additional facilities within the planned Preserve Boundary.

Applicant review:

- This location is their fifth choice, with other locations unfavorable due to concerns raised by staff, neighbors or the Preserve Commission.
- A technician will be visiting the site about once per month, so traffic will be minimal.
- Cell phone capacity and coverage issues were discussed.

Mayor Manross opened public testimony.

Solange Whitehead, 13281 N 99th Pl, 85260, a Preserve Commissioner, expressed concern that the wireless ordinance does not take into account the special nature of the Preserve, and actually conflicts with the Preserve goals. Therefore, she believes the ordinance should be amended. Ms. Whitehead suggested using an existing pole located about a mile away from the proposed site.

Howard Myers, 6631 E Horned Owl Tr, 85262, said approval of the use permit would only open the door into the Preserve for others. This is an unusual area, and there are other opportunities for locating these facilities such as traffic poles and water tanks.

Linda Whitehead, Coalition of Pinnacle Peak, 9681 E Chuckwagon Ln, 85262, urged Council to deny this application, stating it is premature to approve the use permit until all options are explored. She believes the Preserve Commission's views were given little regard.

Tony Nelssen, no address given, believes approval of the item would be a bad precedent and open the door to other facilities being allowed in the Preserve. He suggested that other alternatives be explored.

Carla, P.O. Box 954, 85252, a Preserve Commissioner, said the purpose and management objectives adopted by the Council for the Preserve are inconsistent with the application. She

pointed out that no motorized vehicles are to be allowed in the Preserve, which the wireless facility would require for maintenance. She urged Council to request that the applicant find another location.

Mayor Manross closed public testimony.

Council and Staff discussion:

- Council members agreed that the installation would be inconsistent with Preserve goals, a precedent would be set, and the characteristics of the use are not compatible with uses in the surrounding area.
- The preferred location for the tower is outside the Preserve, but a compromise might be to locate the tower on the Preserve perimeter. In that case, the tower would be more visible, but have less impact to the Preserve.
- According to staff, an existing cell tower on the fringe of the Preserve was not selected due to neighborhood opposition. Staff agreed they could pursue that location at the direction of Council.
- Council agreed the ordinance should be reviewed and amended in order to protect the Preserve.

MOTION AND VOTE – ITEM 4

COUNCILMEMBER DRAKE MOVED TO CONTINUE ITEM 4, 23-UP-2005, AND DIRECT STAFF TO WORK WITH THE APPLICANT TO COME BACK WITH A SITE OUTSIDE THE PRESERVE. COUNCILMAN OSTERMAN SECONDED THE MOTION.

THE MAKER AND SECONDER OF THE MOTION AGREED TO AMEND THE MOTION TO REFER ITEM 4 BACK TO THE PLANNING COMMISSION FOR CONSIDERATION OF ADDITIONAL SITES OUTSIDE THE PRESERVE BOUNDARY.

THE MOTION, AS AMENDED, CARRIED 7-0.

Inadvertently, public testimony was not heard on Item 6. Therefore, Council decided to reconsider the previous motion to approve Item 6 under the Consent Agenda.

COUNCILMAN LANE MOVED TO RECONSIDER ITEM 6 AND HEAR PUBLIC TESTIMONY. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-0 (VICE MAYOR MCCULLAGH WAS AWAY FROM THE DAIS).

6. Mayo Clinic Rezoning Requests:

4. Approve rezoning from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District {C-O ESL (HD)} and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, {C-O SC ESL (HD)} on an approximately 173.5 (+/-) acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O SC ESL) on approximately an 10 (+/-) acre parcel. The entire 183-acre site is located at the northeast corner of 130th Street and E. Shea Boulevard.
5. Adopt Ordinance No. 3664 affirming the rezoning.
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Location: 13400 E. Shea Boulevard

Reference: 39-ZN-1992#4

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Mayor Manross opened public testimony.

Jeffrey Miller, Wait Partnership, 4800 N Scottsdale Rd, #6000, 85251, believes the case was rushed through the zoning process and requested a thirty-day extension. Mr. Miller feels there are ambiguities in some written documents associated with the case. He explained that he is attempting to put together a high-end condominium project near the location for Case 37-ZN-1992#4, and would like to meet with Mayo to work through zoning issues.

Council questioned Mr. Miller's late interest in the case, which had been going through the zoning process since October. Mr. Miller acknowledged he is late to the process, but believes his request is still important to development of the area.

John Berry, attorney for the applicant, said Mr. Miller failed to disclose he is just now in escrow. Mr. Berry did not believe tonight was the proper venue for discussion of zoning for Mr. Miller's condominium project.

Public testimony was closed.

Council discussion:

- Council agreed the case had not been rushed through the process and that every opportunity had been given for public input.
- No ambiguities were found in the referenced documents as information was very clearly stated on a subsequent page.
- Council agreed Mr. Miller's request was not relevant to the case.

MOTION AND VOTE – ITEM 6

COUNCILMAN ECTON MOVED TO APPROVE ITEM 6, 39-ZN-1992#4, AND TO ADOPT ANY NECESSARY FINDINGS REQUIRED BY THE ORDINANCE. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 7-0.

REGULAR AGENDA ITEMS 14 - 15

14. Mescal Park Equestrian Arena Lighting Municipal Use Master Site Plan Modification Requests:

1. Consider modification to the Municipal Use Master Site Plan for Mescal Park to allow the equestrian arena to be lighted with typical outdoor arena lighting poles and fixtures. Mescal Park is located at 11015 N. 68th Place with Open Space zoning.
2. Adopt Resolution No. 6830 affirming the modification to the Municipal Use Master Site Plan.

Location: 11015 N. 68th Place

Reference: 48-UP-1986#2

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-

7995, rgrant@scottsdaleaz.gov; Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

Staff provided a presentation outlined as follows:

- History/Background
 - Municipal Use Master Site Plan of 1986
 - Citizen-initiated request for park/arena improvements in 2005
- Proposal to modify Master Plan to add lighting to existing equestrian riding arena
- Public Involvement Process
- Public input/Petitions
- Use Permit Criteria
- Community Impact
- Recommendations by Parks and Recreation Commission and Planning Commission for arena lighting

In response to a question from Council, staff clarified that the issue regarding the basin was being considered separately by the Parks and Recreation Commission as part of an administrative decision on the use of the park, and was not part of the application.

Mayor Manross opened public testimony.

Bud Fisher, 11202 N 68th Pl, 85254, provided a history of the neighborhood and construction of the park. He opposes the arena lighting because it would change the character of the neighborhood and lead to parking and problems.

Mike Domanico, 6700 E Jenan, 85254, believes the lights will ruin the integrity of the neighborhood and only benefit a few.

Karen Moore, 7100 E Mescal St, Director of Pueblo Norte Senior Community, expressed concern about additional traffic, safety, lights, and noise.

Anna Lewis, 6801 E Mescal St, 85254, said she is for any measure that protects equestrian uses, but is against the lights because they would disrupt the neighborhood.

Todd Bowen, 2525 E Arizona Biltmore Circle, Phoenix, 85018, property manager for an adjacent site, said the arena lighting would make it more difficult for him to rent apartments. He said he had not received notification of meetings.

Emily Crall, 12012 N Paradise Dr, 85254, requested approval of the lights so she could ride her pony in the evenings.

Jayna VanDeneinde, 6980 E Sahuaro Dr, 85254, Manager of San Paloma Apartments, believes the lighting will create a stadium-like atmosphere and bring additional traffic and crime.

Karla Crall, 12012 N Paradise Dr, 85254, said she has been patiently waiting for money in the City budget for park amenities. Ms. Crall believes the park improvements will benefit the whole neighborhood.

Trevor Askew, 301 W Ross Av, Phoenix, 85027, owner of a lighting company, said he has reviewed the plans and believes that with the use of shielded light fixtures there would be no visible light to the neighbors.

Mark Goldstein, 6877 E Gary Rd, 85254, said the City provides lighted baseball, basketball, and tennis facilities. Mr. Goldstein believes it is necessary to provide a place to ride in the evening during the summer months. He also said the lights at Cocopah School are visible at Mescal Park, and are far more intrusive than the lighting proposed for the arena.

Heather Goldstein, 6877 E Gary Rd, 85254, said she cannot ride her horse after school in the winter due to darkness, so she would greatly appreciate lighting and permission to ride in the grassy basin.

Bridget Phillips, 6945 E Cochise Rd, #144, 85253, rides in the park every evening at 8:00 P.M., wearing a reflective vest. She believes lights will deter high school kids from hanging out in the park.

Esther Wilson, 6842 E Gary Rd, 85254, opposes the lighting and the associated cost. Ms. Wilson believes the lights would benefit only a small percentage of people in the neighborhood.

Wanda Garrett, 6502 E Paradise Dr, requested that equestrian parks be preserved, and that people be permitted to ride in the basin.

Samantha Goldstein, 6877 E Gary Rd, 85254, spoke in support of the park improvements. Ms. Goldstein said the lights would allow her to enjoy her sport all year long.

Stephen Kunkle, 10842 N 68th Pl, 85052, believes this action would burden the neighborhood and use taxpayer dollars to benefit a small minority. He feels the impacts have been ignored.

Ida Goldstein, 6877 E Gary Rd, 85254, supports the arena lighting and pointed out that both the Parks and Recreation Commission and the Planning Commission voted unanimously in support of the lights.

Adam Kaplan, 10849 N 68th St, 85254, believes in horse privileges, but likes an unlit neighborhood. He requested the park remain as it is.

Lucinda Mathers, 7019 E Cortez Rd, 85254, said the neighborhood has changed, and also pointed out that the apartments have lights. She would like unobtrusive lights on the arena and riding privileges in the grassy basin.

Tracey House, 11439 N 68th Pl, 85254, said most other city parks have lighted facilities. She now rides at night with a flashlight, and hopes Council will agree that lights will be an amenity for the community.

Bill Bridwell, 7031 E Cholla St, 85254, urged Council to approve the lighting to extend the park's usefulness, as most other riding areas in the City are now gone. He pointed out that two commissions have already heard public testimony and approved the lighting.

Arden Brady, 11436 N 68th St, 85254, spoke in support of the lighting.

Bett Campbell, 7090 E Mescal St, 85254, a retiree and resident of Pueblo Norte, said she and her fellow residents need their rest and security. She opposes the lights and wants the park left as it is.

Colleen Canale, 12012 N 68th Pl, said this proposal is about supporting the horse lifestyle, respect for nature, and giving kids more opportunities to ride their horses.

Patty Rosky, 6843 E Gary Rd, argued that of 314 signatures on the petition presented to Council in favor of the lighting, only one-third are in the neighborhood. Ms. Rosky stated that she collected 206 signatures from citizens from directly around the park who are opposed to lighting. She believes it is dangerous for horses to be on the streets after dark.

Karen Thompson, 7001 E Cortez, 85254, supports both the lights and permission to ride in the grassy basin. Ms. Thompson does not believe there will be any negative impacts.

Erika Siivaa-Thompson, 7001 E Cortez St, 85254, believes the lights will be a great attribute to the park. She also hopes approval will be given to ride in the basin, and suggested that the lights will be left on until 9:00 P.M. in the winter and 10:00 P.M. in the summer.

Susan Wheeler, Cactus Corridor, 85260, presented a map of the area indicating where the petitioners live and where horse properties are located. She supports permission being given to ride in the grassy basin.

Kathy and Ben Potter, 6811 E Mescal St, 85254, said only eleven percent of homes in the area have horses. They oppose lighting because trailering activity will increase; there is a lack of parking; it will set a precedent; and it will benefit only a small group. Mr. and Mrs. Potter urged the Council to preserve the unique qualities of the neighborhood.

Roberta Alvord, 11426 N 68th St, 85254, said her family rides in Mescal Park frequently, and believes the lights will help deter inappropriate behavior.

Mayor Manross closed public testimony. Thirty-five additional comment cards were received from citizens not wishing to speak: 15 in favor, and 20 opposed to this item.

Council discussion:

- Council agreed lighting will be an amenity for this park.
- Lighting technology has advanced to make the lights less obtrusive.
- Some Council members would like to see a trial use of the basin area.
- Council agreed that recreation facilities should be used to their fullest extent.
- Mayor Manross expressed concern about lack of parking facilities at the park.

MOTION AND VOTE – ITEM 14

COUNCILMAN LITTLEFIELD MOVED FOR APPROVAL OF ITEM 14, 48-UP-1986 #2, STIPULATING THAT HOURS OF LIGHTING WILL BE UNTIL 9:00 PM IN THE WINTER AND 10:00 PM IN THE SUMMER, WITH FINDINGS CONSISTENT WITH THE USE PERMIT. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 6-1, WITH MAYOR MANROSS DISSENTING.

15. Sonrise Community Church v. City of Scottsdale, et. al, Defense and Indemnification of the Mayor and City Council

Request: Consider adopting the following resolutions relating to the lawsuit *Sonrise Community Church, et al v. City of Scottsdale, et. al*, Cause Number CV 05-03614, pending in United States District Court, District of Arizona:

- Resolution No. 6834 authorizing the City to pay for the defense and indemnification of Mayor Mary Manross
- Resolution No. 6835 authorizing the City to pay for the defense and indemnification*** of City Councilman Wayne Ecton

- Resolution No. 6836 authorizing the City to pay for the defense and indemnification*** of City Council member Betty Drake
- Resolution No. 6837 authorizing the City to pay for the defense and indemnification*** of City Councilman Robert Littlefield
- Resolution No. 6838 authorizing the City to pay for the defense and indemnification*** of City Councilman W. J. "Jim" Lane
- Resolution No. 6839 authorizing the City to pay for the defense and indemnification*** of City Councilman Ron McCullagh
- Resolution No. 6840 authorizing the City to pay for the defense and indemnification*** of City Councilman Kevin J. Osterman

Related Policies, References: Scottsdale Revised Code § 2-179 requires that, in order for the City to defend and indemnify current or former Mayor, Council Members, or charter officers when a claim or lawsuit is brought against them individually, the Council must vote to approve the defense and indemnification. The current Mayor and City Council have been named as individual defendants in the lawsuit and request that the Council votes to approve their defense and indemnification.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

City Attorney Robberson described this item and the procedure necessary in making motions for each defendant.

MOTIONS AND VOTES – ITEM 15

COUNCILMAN LANE MOVED TO APPROVE RESOLUTION NO. 6834. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-0, WITH MAYOR MANROSS ABSTAINING.

VICE MAYOR MCCULLAGH MOVED TO APPROVE RESOLUTION NO. 6835. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN ECTON ABSTAINING.

COUNCILMAN LITTLEFIELD MOVED TO APPROVE RESOLUTION NO. 6836. VICE MAYOR MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMEMBER DRAKE ABSTAINING.

VICE MAYOR MCCULLAGH MOVED TO APPROVE RESOLUTION NO. 6837. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN LITTLEFIELD ABSTAINING.

COUNCILMEMBER DRAKE MOVED TO APPROVE RESOLUTION NO. 6838. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN LANE ABSTAINING.

COUNCILMAN LANE MOVED TO APPROVE RESOLUTION NO. 6839. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-0, WITH VICE MAYOR MCCULLAGH ABSTAINING.

VICE MAYOR MCCULLAGH MOVED TO APPROVE RESOLUTION NO. 6840. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 6-0, WITH COUNCILMAN OSTERMAN ABSTAINING.

PUBLIC COMMENT - None

CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS 16 and 17

16. Citizens' Petitions Regarding Sexually Oriented Business (SOB) Ordinance Election Date and Requesting Formation of City Council Subcommittee

Requests: Consideration of two citizens' petitions that were presented to City Council at the January 24, 2006 City Council meeting. The signers petitioned the Council to: 1) place the updated SOB Ordinance on the May 16, 2006 election ballot; and 2) form a Council Subcommittee, consisting of three Council Members who are not running for re-election, to negotiate with the affected business owners and/or their representatives to achieve a workable ordinance that will allow the continued operation of the 30-year old businesses.

Mayor Manross opened public testimony.

Richard Hertzberg, 6253 N 51st Pl, Paradise Valley, 85253, representing Babe's and Skin cabarets, said there is still plenty of time to have a subcommittee appointed to negotiate with the business owners. He said there would be nothing to lose, and it could save a lawsuit and an election. If Council decides to hold an election, he believes it should be held right away.

Eric Borowsky, 22214 N LaSenda, 85255, said Council had directed staff to solicit input from the affected businesses before the ordinance was changed, and that did not take place. He believes formation of a subcommittee would show that the Council is not trying to shut down these businesses.

David Rajput, 7637 E Edgemont Av, 85257, gathered signatures against the ordinance and learned that most people were mostly upset about the process. He believes it would be fair to meet with the business owners to develop a compromise, and that an election would negatively impact the City.

Debbie McCurdy, 8310 E McDonald Dr, 85250, provided some readings from the Bible and encouraged Council to reconsider their position on this ordinance.

Lisa Houser, Gammage and Burnham, 2 N Central Av, Phoenix, 85004, urged that the referred matter be placed on the May 16, 2006 ballot, or that Council come up with alternative language to resolve the matter.

John Nichols, 10450 E Desert Cove, 85259, commended Council for the action they have taken. He believes the May election would be premature, and recommended the vote be deferred to September. He did not feel a subcommittee would be appropriate, but supports additional public discussion leading to a vote.

Mayor Manross closed public testimony. Five additional comment cards were received from citizens not wishing to speak.

Council discussion:

- Councilman Lane supported placing the issue on the May ballot. He feels the public is more informed now than they would be at a later date.

- Most of the Council agreed that having the issue on the May ballot would not allow sufficient time for public awareness or involvement.
- Arguments would be due in the City Clerk's office in one week, but the ballot language has not yet been prepared.
- Councilman Lane felt the process was cut short before adoption of the ordinance, and that forming a subcommittee would be the right thing to do.
- Other Councilmembers believe forming a subcommittee and negotiating language to avoid an election would take away the right of the voters to vote on the issue.
- Some expressed the belief that due diligence was done with the business owners. The Mayor and members of the Council met with the business owners, who clearly communicated exactly what they wanted in the ordinance.
- City Attorney Deborah Robberson clarified that the process for amending the ordinance was modeled after ordinances such as the massage ordinance, rather than a zoning ordinance, because it is regulatory in nature. Ms. Robberson indicated that it has not been the City's practice to solicit input for a regulatory ordinance from the businesses to be regulated.

MOTIONS AND VOTES – ITEM 16

COUNCILMAN LITTLEFIELD MOVED TO DIRECT STAFF TO PREPARE THE NECESSARY RESOLUTION TO PLACE THIS ITEM ON THE SEPTEMBER 12, 2006 BALLOT.
COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

COUNCILMAN LITTLEFIELD MOVED TO NOT FORM A SUBCOMMITTEE TO RENEGOTIATE THE ORDINANCE. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-1, WITH COUNCILMAN LANE DISSENTING.

17. Legislative Update

Update: Provide update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Related Policies: Pursuant to the 2006 state legislative agenda adopted by the City Council on December 13, 2005

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423; Neal Shearer, Assistant City Manager, nshearer@scottsdaleaz.gov, 480-312-2604.

Staff provided an update of pending legislation affecting the City of Scottsdale including:

- Twelve bills regarding photo enforcement legislation
- Five bills regarding eminent domain legislation
- A request from ASU for support of their request for funding associated with their facility in Mesa
- Bills related to methamphetamine use and treatment
- A bill providing identity protection to Code Enforcement Officers
- A bill regarding tax credits for research activities
- A bill proposing spending limitations.

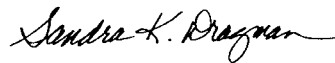
In regard to the spending limitations bill, Councilman Lane pointed out, and Vice Mayor McCullagh agreed, that it continues to be important to protect local control.

Council directed staff not to get involved in the request from ASU for funding, and to continue working for issues in Scottsdale's Legislative Program.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:14 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

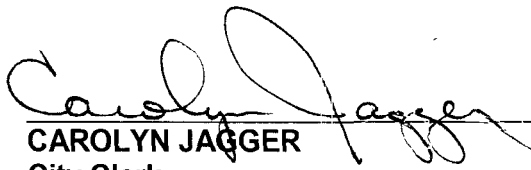
Officially approved by the City Council on March 7, 2006

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 7th day of February 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 7th day of March 2006.



CAROLYN JAGGER
City Clerk